

PETER STIRBA (Bar No. 3118)  
KATHLEEN ABKE (Bar No. 12422)  
**STIRBA, P.C.**  
215 South State Street, Suite 750  
P.O. Box 810  
Salt Lake City, Utah 84110-0810  
Telephone: (801) 364-8300  
Facsimile: (801) 364-8355  
E-mail: [kabke@stirba.com](mailto:kabke@stirba.com)

*Attorneys for Defendants*

**IN THE UNITED STATES DISTRICT COURT**  
**DISTRICT OF UTAH, CENTRAL DIVISION**

<p>CAROLYN CLARK on behalf of the ESTATE OF TROY BURKINSHAW and on behalf of the HEIRS OF TROY BURKINSHAW</p> <p style="text-align: center;">Plaintiffs,</p> <p>v.</p> <p>BOX ELDER COUNTY, BOX ELDER COUNTY SHERIFF'S DEPARTMENT, J. LYNN YEATES and AUSTIN BOWCUTT,</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: center;"><b>DEFENDANTS' RULE 26(a)(2) EXPERT DISCLOSURE</b></p> <p style="text-align: center;">Case No. 1:13CV00079-CW</p> <p style="text-align: center;">Judge Clark Waddoups</p>
--	--

Defendants, by and through undersigned counsel, hereby submit the following disclosure  
of expert testimony pursuant to Fed. R. Civ. P. 26(a)(2):

1. Alan Asay, P.E., M.S.  
357 East 1200 South  
Orem, Utah 84058

Mr. Asay should be contacted through Defendants' counsel. Mr. Asay will testify, in part, as a rebuttal witness to Plaintiff's expert, Dr. Durand R. Begault, Ph.D. and provide testimony as to the vehicle speed and position of the Volkswagen Jetta. Mr. Asay will also testify regarding the vehicle positions, scene diagram, and vehicle speeds, as well as a of the scene reconstruction in comparison to the dash cam video. Mr. Asay's report and disclosures attached as Exhibit "A" hereto. Mr. Asay's curriculum vitae and his history of testimony are also attached as part of Exhibit "A."

Mr. Asay charges \$225 per hour for his services as an expert witness and \$350 per hour for court and deposition testimony.

2. Daniel T. Rondeau  
136 E. South Temple, Suite 2220  
Salt Lake City, Utah 84111

Mr. Rondeau should be contacted through Defendants' counsel. Mr. Rondeau will testify as a rebuttal witness to Plaintiff's expert, Stephen J. Nicolatus and will provide testimony regarding Mr. Burkinshaw's and Ms. Clark's economic loss. Mr. Rondeau's report and disclosures, including his curriculum vitae and his history of testimony are attached as Exhibit "B" hereto.

Mr. Rondeau charges \$250 per hour for his services as an expert witness and for court and deposition testimony.

3. Kenneth R. Wallentine  
5272 South College Drive, Suite 200  
Murray, Utah

Mr. Wallentine should be contacted through Defendants' counsel. See report and disclosures attached as Exhibit "C" hereto.

Mr. Wallentine charges \$250 per hour for his services as an expert witness and for court and deposition testimony, with a minimum of \$1,000.00 for any testimony.

There may be other expert witnesses that Defendants may use to support their claims and defenses, which are unknown to Defendants at this time. Defendants reserve the right to identify and disclose any additional expert witness(es) as necessary. Also, to the extent that Plaintiffs' anticipated rebuttal disclosures change Defendants' experts' disclosures in any way, Defendants

reserve the right to modify their Rule 26(a)(2) disclosures accordingly, including the remittance of counter reports, as required.

Furthermore, as discovery is ongoing, should Defendants learn additional facts relevant to expert disclosures, these disclosures will be supplemented according to Fed. R. Civ. P. 26(e).

DATED this 14<sup>th</sup> day of January, 2014.

**STIRBA, P.C.**

By:           /s/ Kathleen Abke            
PETER STIRBA  
KATHLEEN ABKE  
*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 14<sup>th</sup> day of January, 2014, a true copy of the foregoing **DEFENDANTS' RULE 26(a)(2) EXPERT DISCLOSURE** was served by the method indicated below, to the following:

James W. McConkie  
Bradley H. Parker  
W. Alexander Evans  
PARKER & MCCONKIE  
5664 South Green Street  
Salt Lake City, Utah 84123

☐ U.S. Mail, Postage Prepaid  
☐ Hand Delivered  
☐ Overnight Mail  
☐ Facsimile  
☒ Electronic Filing

\_\_\_\_\_  
/s/ Zachary B. Hoddy

Legal Assistant